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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,015	01/02/2002	Paul S. Collins	ITL.0691US (P13222)	7522

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EXAMINER

GILMAN, ALEXANDER

ART UNIT	PAPER NUMBER
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2833

DATE MAILED: 07/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/039,015

Applicant(s)

COLLINS, PAUL S.

Examiner

Alexander Gilman

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

Claims 18 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 18 in lines 1-2 recites " the traveler of claim 17 including an L-shaped member".

Claim 19 in lines 1-2 recites " the traveler of claim 16 including a resilient catch mounted on said element to engage said traveler".

According to Specification (p. 5, lines 14-15) the L-shaped member (42) which engages the spring, is not movable (secured to housing 12 of the card). The specification states "...traveler 20 rides on L-shaped member ...". The catch is secured to L-shaped member ( p. 5, lines 15-17). Hence, that elements cannot be part of the traveler.

Also, the catch cannot be mounted on said track engaging element (only element in independent claim 16) to engage said traveler, since the track engaging element is a part of the traveler.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

- (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
- (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-8 and 10-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnson et al.

With regard to claims 1 and 2, Johnson et al (US 6,375,479) disclose a personal computer card (14) comprising:

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an extensible antenna (Abstract, lines 12-14);

a coil spring (92); and

a track (col. 11, lines 58-62) laterally displaced with respect to the coil spring.

With regard to claims 3-7, Johnson et al disclose (Fig. 9 and 10) a heart-shaped groove and a catch (102) retaining and releasing the antenna (part of 24) with a L-shaped finger.

With regard to claim 8, Johnson et al disclose (Fig. 10) the groove includes a locking position (122).

With regard to claim 10, Johnson et al disclose (Fig. 10) the traveler (24) that mounts said antenna.

With regard to claims 11-13, Johnson et al disclose the structural features of the computer card which is operated according to method steps claimed.

With regard to claims 14 and 15, Johnson et al disclose that the antenna moves approximately 27 mm (col. 7, lines 35-39 and Fig. 2-3).

With regard to claims 16 and 17, Johnson et al disclose a traveler (24) comprising:

an antenna (Abstract, lines 12-14);

a coil spring (92);

a track engaging element (98, 90) having U-shaped portion.

With regard to claims 18 and 19, as they can be understood due to the 112 problem, Johnson et al L-shaped member (supporting the coil spring) and a catch (102).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9 and 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al.

With regard to claim 9, Johnson et al disclose all of the limitations except for explicitly disclosing spring biasing of the catch.

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To make the Johnson et al catch spring biased would have been an obvious matter of design absent any criticality and since the function performed by the catch is the same.

With regard to claim 20, Johnson et al disclose the heart-shaped groove on the computer card and the catch fixed to the traveler.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Johnson et al traveler with the heart-shaped groove and the catch fixed to the computer card, since it has been held that would be no invention in shifting location of parts to a different position since the operation of the device would not be thereby be modified *In re Japikse, 86 USPQ 70*.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Gilman whose telephone number is (703) 305-0847. The examiner can normally be reached on Monday-Friday, 10:30 a.m. - 8:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (703) 308-2319. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7724 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4900.

Alexander Gilman

*Alex Gilman*

July 26, 2002